

SA 14 CR 0537

PROB 22 (Rev. 2/88)		U.S. DISTRICT COURT DISTRICT OF NEW MEXICO 2:04CR01313-016RB 2014 JUL -9 PM 6:28 CLERK-LAS CRUCES FILED	
TRANSFER OF JURISDICTION		U.S. DISTRICT COURT DISTRICT OF NEW MEXICO 2:04CR01313-016RB 2014 JUL -9 PM 6:28 CLERK-LAS CRUCES FILED	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE Maria Guadalupe Hernandez	DISTRICT New Mexico	DIVISION WESTERN DISTRICT OF TEXAS	
	NAME OF SENTENCING JUDGE Robert C. Brack, United States District Judge	BY DEPUTY CLERK	
	DATES OF PROBATION/ SUPERVISED RELEASE FROM 03/29/2013 TO 03/28/2018		
OFFENSE 21 U.S.C. § 846 Conspiracy to Violate 21 U.S.C. § 841(b)(1)(A)			
PART 1 - ORDER TRANSFERRING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE _____ DISTRICT OF _____ New Mexico			
IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. 3605, the jurisdiction of the probationer or supervised release named above be transferred with the records of this Court to the United States District Court for the <u>Western District of Texas- San Antonio Division</u> upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.*			
<u>5/28/2014</u> Date		<u>/s/ Robert C. Brack</u> United States District Judge	
*This sentence may be deleted in the discretion of the transferring Court.			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE <u>Western</u> DISTRICT OF <u>Texas- San Antonio</u>			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.			
<u>7/3/14</u> Effective Date		<u>[Signature]</u> United States District Judge	

APPEAL,CUSTODY

**U.S. District Court
District of New Mexico - Version 6.0 (Las Cruces)
CRIMINAL DOCKET FOR CASE #: 2:04-cr-01313-RB-16**

Case title: USA v. Lopez-Garcia et al
Magistrate judge case number: 2:04-mj-06829

Date Filed: 07/09/2004
Date Terminated: 10/11/2005

Assigned to: District Judge Robert C.
Brack

Defendant (16)

Maria Guadalupe Hernandez
TERMINATED: 10/11/2005

represented by **Anthony W. White**
15535 Solana Rd SE
Deming, NM 88030
5754946265
Fax: 5754946265
Email: blanconm@yahoo.com
TERMINATED: 10/11/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Cesar Pierce-Varela
1690 N Main St.
PO Box 8557
Las Cruces, NM 88006
575 523 2224
Fax: 575 523 2373
Email: defensapenal@netzero.net
TERMINATED: 09/07/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

James E Bierly
1023 6th St NW
Albuquerque, NM 87102
(505) 247-0869
Email: jamesebierly@hotmail.com
TERMINATED: 07/21/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

Disposition

21:846 CONSPIRACY
(2)

SENTENCE IMPOSED: CBOP- 120
months; 5 years supervised release
w/special conditions; \$100 SPA

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Third Party Custodian

Rosie Serrano

represented by **Rosie Serrano**
928 Elm Blvd
Hobbs, NM 88240
(505) 397-3355
PRO SE

Third Party Custodian

Johnny Gomez

represented by **Johnny Gomez**
5908 Barela Dr
Las Cruces, NM 88005
(505) 527-1986
PRO SE

Third Party Custodian

J Jesus Gonzalez

represented by **J Jesus Gonzalez**
23 E Anazazi Rd
Dexter, NM 88230
(505) 623-4169
PRO SE

Third Party Custodian

Michael Cervantes

represented by **Michael Cervantes**

2605 Calle De Salud
Las Cruces, NM 88001
(505) 496-4259
PRO SE

Third Party Custodian

Sylvia Serrano

represented by **Sylvia Serrano**
1815 E Marland
Hobbs, NM 88240
(505) 393-3349
PRO SE

Plaintiff

USA

represented by **Renee L Camacho**
United States Attorney's Office
555 S. Telshor Blvd., Suite 300
Las Cruces, NM 88011
575-522-2304
Fax: 575-522-2391
Email: renee.camacho@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
07/13/2004	<u>1</u>	CRIMINAL COMPLAINT by USA naming Maria Guadalupe Hernandez by Magistrate Judge Karen B. Molzen [2:04-m -6829] (vd) (Entered: 07/13/2004)
07/13/2004	<u>2</u>	CLERK'S MINUTES: before Magistrate Judge Karen B. Molzen first appearance of Maria Guadalupe Hernandez on Complaint Atty Jane Greek standing in; deft in custody pending detention hrg; Tape #: LC 04-195 Interpreter: C. Thompson [2:04-m -6829] (vd) (Entered: 07/13/2004)
07/13/2004	<u>3</u>	(NOTICE) INVOCATION OF CONSTITUTIONAL RIGHTS by defendant Maria Guadalupe Hernandez [2:04-m -6829] (vd) (Entered: 07/13/2004)
07/13/2004		DEFENDANT Maria Guadalupe Hernandez arrested [2:04-m -6829] (vd) (Entered: 07/13/2004)
07/15/2004	<u>14</u>	CLERK'S MINUTES: before Magistrate Judge Karen B. Molzen initial/detention hearing held as to deft Frank Gomez; deft in custody Tape #: LC 04-203* (sl) (Entered: 07/16/2004)
07/15/2004	<u>4</u>	CJA Form 20 Copy 4 (Appointment of Counsel) for defendant Maria Guadalupe Hernandez appointing James E Bierly [2:04-m -6829] (eg)

		(Entered: 07/16/2004)
07/16/2004	<u>19</u>	ORDER by Magistrate Judge W. D. Schneider of temporary detention of deft John Mitchell pending hearing (cc: all counsel*) (sl) (Entered: 07/19/2004)
07/16/2004	<u>32</u>	APPEAL FROM MAGISTRATE'S ORDER by USA concerning order setting conditions of release as to deft Maria Hurtado [31-1] * (sl) (Entered: 07/19/2004)
07/16/2004	<u>5</u>	CLERK'S MINUTES: Preliminary/Detention hearing before Magistrate Judge Leslie C. Smith; Deft Maria Guadalupe Hernandez waives preliminary and is remanded to custody of USMS Tape #: LC 04-205 Interpreter: Ray Lopez * [2:04-m -6829] (seal) (Entered: 07/16/2004)
07/16/2004	<u>6</u>	WAIVER of preliminary hrg & grand jury presentment w/in 75 days of arrest by defendant Maria Guadalupe Hernandez [2:04-m -6829] (former employee) (Entered: 07/16/2004)
07/16/2004	<u>7</u>	ORDER of Detention of Maria Guadalupe Hernandez pending Trial by Magistrate Judge Leslie C. Smith [2:04-m -6829] (seal) (Entered: 07/16/2004)
07/16/2004	<u>8</u>	ENTRY OF APPEARANCE of Attorney for defendant Maria Guadalupe Hernandez by Cesar Pierce-Varela [2:04-m -6829] (ja) (Entered: 07/19/2004)
07/18/2004	<u>34</u>	ORDER by Magistrate Judge Leslie C. Smith re discovery as to defts Gonzales, Hurtado, Lopez-Garcia, Lopez, Pavia and Serrano (cc: all counsel*) (sl) (Entered: 07/19/2004)
07/19/2004	<u>38</u>	ORDER by Magistrate Judge Don J. Svet re discovery as to deft John Mitchell (cc: all counsel*) (sl) (Entered: 07/19/2004)
07/21/2004	<u>56</u>	DISCOVERY ORDER by Magistrate Judge Kea W. Riggs (cc: all counsel) (js) (Entered: 07/22/2004)
07/21/2004	<u>9</u>	CJA7 ORDER by Magistrate Judge Kea W. Riggs Terminating CJA attorney James E Bierly for Maria Guadalupe Hernandez [2:04-m -6829] (eg) (Entered: 07/22/2004)
07/26/2004	<u>58</u>	DISCOVERY ORDER by Magistrate Judge Leslie C. Smith as to deft Jose Olivas (cc: all counsel*) (jrm) (Entered: 07/26/2004)
07/27/2004	<u>60</u>	ORDER by US District Judge Monti L. Belot granting deft Jose Olivas' motion to w/draw atty Todd Hotchkiss & for appointment of counsel [35-1] (cc: all counsel) (js) (Entered: 07/27/2004)
07/29/2004	<u>63</u>	CLERK'S MINUTES: before District Judge Robert Brack; hrg held re notice of appeal to reconsider detention order as to Maria Concepcion Hurtado [32-1] C/R: Vanessa Arrieta (js) Modified on 08/17/2004 (Entered: 07/30/2004)
08/06/2004	<u>70</u>	ORDER by Magistrate Judge Leslie C. Smith granting motion to continue of attorney appointment hrg as to Norma Lopez [64-1] hrg reset for 8/27/04 at 10:00 am (cc: all counsel) (vd) (Entered: 08/06/2004)
08/09/2004	<u>71</u>	ORDER by Magistrate Judge Leslie C. Smith granting pltf's motion for order

		for writ of habeas corpus ad prosequendum [65-1] as to Naomi Tarango (cc: all counsel) (js) (Entered: 08/09/2004)
08/09/2004		WRIT of habeas corpus ad prosequendum issued for Naomi Tarango to appear for arraignment on 8/13/04 @ 9:00 am before US Magistrate Judge Leslie C. Smith (js) (Entered: 08/09/2004)
08/09/2004	<u>72</u>	CLERK'S MINUTES: before Magistrate Judge Leslie C. Smith bail review hearing held as to deft Otilia Lopez-Garcia; deft in custody (sl) (Entered: 08/09/2004)
08/09/2004	<u>73</u>	ORDER by Magistrate Judge Leslie C. Smith denying deft Otilia Lopez-Garcia's motion to reconsider the detention order [59-1] (cc: all counsel*) (sl) (Entered: 08/09/2004)
08/09/2004	<u>75</u>	ORDER by District Judge Robert Brack granting defts' motion to extend time in which to file motions until 9/7/04 [66-1] (cc: all counsel) (js) (Entered: 08/09/2004)
08/09/2004	<u>76</u>	SUBSTITUTION of Atty: Gary C. Mitchell replacing atty Keith R Romero for Jaime Pavia (js) (Entered: 08/09/2004)
08/16/2004	<u>83</u>	ORDER by Magistrate Judge Leslie C. Smith re discovery as to deft Naomi Tarango (cc: all counsel*) (sl) (Entered: 08/16/2004)
08/27/2004	<u>96</u>	ORDER by Magistrate Judge Leslie C. Smith re discovery as to deft Eduardo Chavez (cc: all counsel*) (sl) (Entered: 08/27/2004)
08/27/2004	<u>97</u>	CLERK'S MINUTES: before Magistrate Judge Leslie C. Smith hearing held on deft Claudia Gonzalez's motion to amend conditions of release [90-1] deft to be released on bond w/conditions Tape #: LC 04-245 (sl) (Entered: 08/27/2004)
08/27/2004	<u>98</u>	CLERK'S MINUTES: before Magistrate Judge Leslie C. Smith hearing held on deft Norma Lopez's motion to withdraw attorney Jason Bowles [44-1] Tape #: LC 04-245 (sl) (Entered: 08/27/2004)
08/27/2004	<u>101</u>	ORDER by District Judge Robert Brack granting deft Eduardo Atayda Chavez's motion to substitute atty Robert Harris in place of atty James Maus [93-1] (cc: all counsel) (js) (Entered: 08/30/2004)
08/27/2004	<u>102</u>	ORDER by District Judge Robert Brack granting pltf's motion for order for writ of habeas corpus ad prosequendum [91-1] as to deft Adan Picazo-Gutierrez (cc: all counsel) (js) (Entered: 08/30/2004)
08/27/2004		WRIT of habeas corpus ad prosequendum issued for Adan Picazo-Gutierrez to appear for an Initial Appearance on 9/28/04 @ 9:00 am, before US District Judge Robert Brack (js) (Entered: 08/30/2004)
09/03/2004	10	MOTION to withdraw attorney Cesar Pierce-Varela by Maria Guadalupe Hernandez [2:04-m -6829] (ja) (Entered: 09/07/2004)
09/04/2004	<u>106</u>	ORDER FOR CONTINUANCE per 18:3161 by District Judge Robert Brack granting defts' motions to continue trial setting of 9/13/04 [99-1] & to extend motions deadline [99-2] jury trial CONTINUED (cc: all counsel) (js)

		(Entered: 09/07/2004)
09/07/2004	11	ORDER by Magistrate Judge Lourdes A. Martinez granting motion to withdraw attorney Cesar Pierce-Varela [10-1] for Maria Guadalupe Hernandez (cc: all counsel) [2:04-m -6829] (ja) (Entered: 09/08/2004)
09/08/2004	<u>111</u>	ORDER by District Judge Robert Brack granting deft George Serrano's motion for reconsideration of conditions of release [105-1] (cc: all counsel) (js) (Entered: 09/09/2004)
09/09/2004	12	CJA Form 20 Copy 4 (Appointment of Counsel) for defendant Maria Guadalupe Hernandez appointing Anthony W. White [2:04-m -6829] (ja) (Entered: 09/10/2004)
09/22/2004	<u>113</u>	CLERK'S MINUTES: before Magistrate Judge Leslie C. Smith status conference held as to deft Norma Lopez; Tape #: LC 04-277 (sl) (Entered: 09/22/2004)
09/22/2004	<u>114</u>	ORDER by Magistrate Judge Leslie C. Smith on financial deposit to the court for attorney expenses as to deft Norman Lopez as described herein (cc: all counsel*) (sl) (Entered: 09/22/2004)
09/23/2004	13	ORDER by Magistrate Judge Karen B. Molzen setting status hearing for 10/12/04 @ 10:00 a.m., Las Cruces, NM (cc: all counsel) * [2:04-m -6829] (dds) (Entered: 09/23/2004)
10/08/2004	<u>128</u>	DISCOVERY ORDER by Magistrate Judge Karen B. Molzen as to deft Adan Gutierrez (cc: all counsel*) (vv) (Entered: 10/08/2004)
10/12/2004	14	CLERK'S MINUTES: before Magistrate Judge Karen B. Molzen status hearing held as to Maria Guadalupe Hernandez; Grand Jury Presentment 10/20/04 Tape #: LC 04-294 * [2:04-m -6829] (dds) (Entered: 10/13/2004)
10/18/2004	<u>131</u>	CLERK'S MINUTES: before Magistrate Judge Leslie C. Smith; hrg held re motion to modify conditions of release as to deft Claudia Gonzalez [123-1] C/R: Carol Carson (js) (Entered: 10/19/2004)
10/18/2004	<u>132</u>	ORDER by Magistrate Judge Leslie C. Smith granting deft Claudia Gonzalez's motion to amend conditions of release [123-1] (cc: all counsel) (js) (Entered: 10/19/2004)
10/22/2004	<u>135</u>	SUPERSEDING Indictment naming Guadalupe Jose Lopez-Garcia (1) counts 1s, 2s, 3s, 6s, 7s, 8s, 9s, 10s, 12s, Roberto Jeff Bordier (2) counts 2s, 5s, Adan Picazo-Gutierrez (3) counts 2s, 8s, Frank Gomez (4) counts 2s, 3s, Eduardo Atayde Chavez (5) count 2s, Maria Concepcion Hurtado (6) count 2s, Claudia Gonzales (7) count 2s, Otilia Lopez-Garcia (8) counts 2s, 4s, Norma Lopez (9) counts 2s, 4s, Jaime Pavia (10) count 2s, Andres E Ramirez (11) counts 2s, 7s, Jose Olivas (12) counts 2s, 9s, John G Mitchell (13) counts 2s, 10s, 11s, George Serrano (14) counts 2s, 6s, Naomi S Tarango (15) count 2s, Maria Guadalupe Hernandez (16) count 2 (js) (Entered: 10/26/2004)
10/29/2004	<u>139</u>	CLERK'S MINUTES: before Magistrate Judge Karen B. Molzen dft Maria Guadalupe Hernandez arraigned; not guilty plea entered on indictment; Attorney Anthony White present; motions due by 11/18/04; Court to set trial

		setting; deft in custody Tape #: LC 04-322 Interpreter: Sharon Ruiz (sl) Modified on 11/03/2004 (Entered: 10/29/2004)
10/29/2004	<u>140</u>	ORDER by Magistrate Judge Karen B. Molzen re discovery as to deft Maria Guadalupe Hernandez (cc: all counsel*) (sl) (Entered: 10/29/2004)
11/04/2004	<u>155</u>	MEMORANDUM OPINION AND ORDER: by District Judge Robert Brack denying deft John Mitchell's motions to dismiss w/prejudice [110-1] for severance [108-1] & in limine [107-1] (cc: all counsel) (js) (Entered: 11/08/2004)
11/15/2004	<u>161</u>	ORDER FOR CONTINUANCE per 18:3161 by District Judge Robert Brack granting motion to continue trial setting of [134-1] motions due 1/30/05; jury trial to be reset May, 2005 (cc: all counsel) (js) (Entered: 11/15/2004)
12/01/2004	<u>165</u>	CLERK'S MINUTES: before Judge Kea Riggs hearing on motion to w/draw atty Manuel Barraza [156-1] deft in custody Tape #: LC 04-351 Interpreter: M. Rabinovich (sl) (Entered: 12/01/2004)
12/01/2004	<u>166</u>	ORDER by Judge Kea Riggs order to show cause hearing set for 12/2/04 at 9:00 am as to Manuel Barraza, Esq. (cc: all counsel*) (sl) (Entered: 12/01/2004)
12/01/2004	<u>167</u>	CLERK'S MINUTES: before District Judge Robert Brack; hrg held re notice of appeal of detention order [163-1] as to deft Otilia Lopez-Garcia; Atty Kenneth Gleria present; deft in custody C/R: Vanessa Arrieta (js) (Entered: 12/02/2004)
12/23/2004		TRANSCRIPT of Proceedings before District Judge Robert Brack of appeal of detention order held on 12/1/04; (re [167-1]) lodged in separate file folder (yc) (Entered: 12/23/2004)
03/01/2005	<u>190</u>	SEALED ORDER by District Judge Robert Brack granting sealed motion for order [187-1] (distribution as required) (js) (Entered: 03/02/2005)
03/01/2005	<u>191</u>	SEALED ORDER by District Judge Robert Brack granting sealed motion for order to seal [187-1] (distribution as required) (js) (Entered: 03/02/2005)
03/16/2005	<u>194</u>	NOTICE of Hearing before Judge Robert Brack for defendants Otilia Lopez-Garcia and Maria Guadalupe Hernandez change of plea set for 4/7/05 at 8:30 am in Las Cruces, NM (cc: all counsel*) (sl) (Entered: 03/16/2005)
03/18/2005	<u>195</u>	ORDER by District Judge Robert Brack granting pltf's motion to continue hrg on deft's appeal from detention order set for 3/17/05 [193-1], [192-1]; hrg reset at 9:45 am on 4/1/05 in Las Cruces, NM (cc: all counsel) (js) (Entered: 03/18/2005)
04/01/2005	<u>201</u>	CLERK'S MINUTES: before District Judge Robert Brack; notice of appeal of detention order hrg held; Atty Robert Harris present C/R: Vanessa Arrieta (js) (Entered: 04/01/2005)
04/07/2005	<u>209</u>	PLEA AGREEMENT as to Maria Guadalupe Hernandez (former employee) (Entered: 04/07/2005)
04/07/2005	<u>215</u>	CLERK'S MINUTES: before District Judge Robert Brack Maria Guadalupe

		Hernandez enters guilty plea to indictment; Atty Anthony White present , Sentencing to be set, deft in custody C/R: V. Arrieta Interpreter: Lucy Quevedo (former employee) (Entered: 04/11/2005)
04/13/2005	<u>220</u>	ORDER by District Judge Robert Brack granting motion for order allowing withdrawal of counsel [214-1] Atty Thomas E. Jones withdrawn for deft John G Mitchell (cc: all counsel) (former employee) (Entered: 04/14/2005)
04/29/2005		TRANSCRIPT of Proceedings before District Judge Robert Brack of plea hrg held on 3/1/05 at 9:37 am; re [188-2] lodged in separate file folder (former employee) (Entered: 04/29/2005)
05/30/2005	<u>236</u>	SEALED EX-PARTE ORDER by District Judge Robert Brack (cc: all counsel) (yc) (Entered: 05/31/2005)
06/03/2005	<u>242</u>	REQUESTED JURY Instructions by plaintiff* (dmw) (Entered: 06/03/2005)
06/03/2005	<u>243</u>	PROPOSED Voir Dire by plaintiff* (dmw) (Entered: 06/03/2005)
06/03/2005	<u>244</u>	NOTICE by USA of intention to offer expert testimony* (sl) (Entered: 06/06/2005)
06/06/2005	<u>245</u>	NOTICE of Filing Exhibits by USA (vd) (Entered: 06/07/2005)
06/21/2005	<u>250</u>	COURT'S INSTRUCTIONS TO THE JURY submitted by District Judge Robert Brack (yc) (Entered: 06/22/2005)
06/22/2005	<u>263</u>	COURT'S SUPPLEMENTAL INSTRUCTIONS TO THE JURY submitted by District Judge Robert Brack (yc) Modified on 08/23/2005 (Entered: 06/22/2005)
08/09/2005	<u>256</u>	SEALED DOCUMENT re order [236-1] (sl) (Entered: 08/09/2005)
09/16/2005	<u>273</u>	NOTICE of Hearing before Judge Robert Brack for defendant Maria Guadalupe Hernandez sentencing set for 10/5/05 at 8:30 am in Las Cruces, NM (cc: all counsel*) (sl) (Entered: 09/16/2005)
09/20/2005	<u>275</u>	MOTION to continue sentencing hearing of 10/5/05 by Maria Guadalupe Hernandez* (sl) (Entered: 09/20/2005)
09/21/2005	<u>277</u>	ORDER by District Judge Robert Brack granting motion to continue sentencing hearing of 10/5/05 [275-1] sentencing hrg reset to 10/11/05 @ 8:30 am (cc: all counsel) (bc) (Entered: 09/22/2005)
09/21/2005	<u>278</u>	ORDER by District Judge Robert Brack granting motion for order to remove electronic monitor device [272-1] (cc: all counsel) (bc) (Entered: 09/22/2005)
10/07/2005	<u>285</u>	SENTENCING memorandum by Maria Guadalupe Hernandez * (sl) (Entered: 10/07/2005)
10/11/2005	<u>288</u>	JUDGMENT by District Judge Robert Brack for defendant Maria Guadalupe Hernandez (distribution as required) (sl) (Entered: 10/11/2005)
10/11/2005	<u>293</u>	CLERK'S MINUTES: before District Judge Robert Brack sentencing Maria Guadalupe Hernandez (16) count(s) 2. SENTENCE IMPOSED: CBOP- 120 months; 5 years supervised release w/special conditions; \$100 SPA ,

		terminating party C/R: V. Arrieta Interpreter: C. Thompson (bc) Modified on 11/02/2005 (Entered: 10/12/2005)
10/28/2005	<u>294</u>	ORDER by District Judge Robert Brack granting motion to extend voluntary surrender date until 1/4/06 [290-1] (cc: all counsel) (bc) Modified on 11/02/2005 (Entered: 10/28/2005)
11/18/2005	297	EX PARTE ORDER by District Judge Robert Brack re [296-1] (bc) (Entered: 11/18/2005)
03/20/2006		ACKNOWLEDGEMENT of receipt of preliminary record by USCA on 03/14/06 (USCA Number: 06-2072) (pg) (Entered: 03/20/2006)
04/03/2006		ACKNOWLEDGEMENT of receipt of preliminary record of amended notice of appeal by USCA on 03/29/06 (USCA Number: 06-2072) (pg) (Entered: 04/03/2006)
04/03/2006	<u>320</u>	TRANSCRIPT Order Form completed by Ct. Rptr. Vanessa Arrieta Date of Transcript 03/10/06; Est Completion Dt 05/01/06, (pg) (Entered: 04/03/2006)
04/04/2006	<u>321</u>	TRANSCRIPT Order Form (TOF) from Appellant. Transcript Dates: June 20-22 2005; March 10, 2006 re [319-1] (pg) (Entered: 04/04/2006)
05/04/2006		TRANSCRIPT of Proceedings before District Judge Robert Brack of Eduardo Chavez' jury trial held on 06/20/05; (re [249-3] lodged in separate file folder (pg) Modified on 05/11/2006 (Entered: 05/09/2006)
05/04/2006		TRANSCRIPT of Proceedings before District Judge Robert Brack of Eduardo Chavez' jury trial held on 06/21/05; (re [249-3]) lodged in separate file folder (pg) Modified on 05/11/2006 (Entered: 05/09/2006)
05/04/2006		TRANSCRIPT of Proceedings before District Judge Robert Brack of Eduardo Chavez' jury trial held on 06/22/05; (re [249-3])lodged in separate file folder (pg) Modified on 05/11/2006 (Entered: 05/09/2006)
05/04/2006		TRANSCRIPT of Proceedings before District Judge Robert Brack of Eduardo Chavez' sentencing hearing held on 03/10/06; (re [316-4]) lodged in separate file folder (pg) (Entered: 05/09/2006)
05/09/2006		LETTER sent to USCA record complete transcript of proceedings on file re Eduardo Chavez [319-1] (pg) (Entered: 05/09/2006)
05/10/2006	<u>324</u>	AMENDED CLERK'S MINUTES: before Magistrate Judge Leslie C. Smith (to correct case number) filed as to deft Andres Ramirez on initial presentment Tape #: FTR/LCS Interpreter: R. Carrillo (sl) (Entered: 05/10/2006)
05/15/2006	<u>327</u>	ORDER by Magistrate Judge Leslie C. Smith re discovery as to deft Andres Ramirez (cc: all counsel*) (sl) (Entered: 05/15/2006)
05/17/2006	<u>328</u>	CLERK'S MINUTES: before Magistrate Judge Lourdes A. Martinez detention hearing held as to deft Andres Ramirez; deft in custody Tape #: FTR/LCS Interpreter: D.McNamara (sl) (Entered: 05/17/2006)
05/17/2006	<u>332</u>	ORDER by Magistrate Judge Lourdes A. Martinez granting motion to substitute attorney Ken Del Valle [331-1]; for Andres E Ramirez (cc: all

		counsel) (bc) (Entered: 05/22/2006)
07/07/2006	<u>337</u>	ORDER FOR CONTINUANCE per 18:3161 by District Judge Robert Brack granting deft's motion to continue Jury Selection & Trial set for July 17, 2006 @ 9:00 a.m. [336-1] Jury trial reset on 8/14/06 @ 9:00 a.m., in Las Cruces, NM (cc: all counsel) (rg) (Entered: 07/10/2006)
08/03/2006	<u>341</u>	ORDER FOR CONTINUANCE per 18:3161 by District Judge Robert Brack granting deft's motion to continue Jury Selection/Trial set for 08-14-06 @ 9:30 a.m. [339-1] Jury trial is reset for 09/18/06 @ 9:00 am (cc: all counsel) (rg) (Entered: 08/04/2006)
08/16/2006	<u>343</u>	ORDER by District Judge Robert Brack denying deft Frank Gomez's motion to extend time to file 2255 [342-1] (cc: all counsel*) (sl) (Entered: 08/16/2006)
09/14/2006	<u>348</u>	ORDER FOR CONTINUANCE per 18:3161 by District Judge Robert Brack granting deft's motion for continuance of jury selection/trial set on 9/18/06 @ 9:00 a.m. [347-1] Jury trial is reset to 10/16/06 @ 9:00 am (cc: all counsel) (rg) (Entered: 09/15/2006)
10/10/2006	<u>353</u>	CLERK'S MINUTES: before District Judge Robert Brack call of the calendar held C/R: Vanessa Arrieta* (seal) (Entered: 10/10/2006)
10/11/2006	<u>355</u>	ORDER FOR CONTINUANCE per 18:3161 by District Judge Robert granting deft's motion re-setting jury trial scheduled for 10/16/06 & waiver of speedy trial [354-1] Jury trial is re-set to 01/16/07 @ 9:00 a.m. (cc: all counsel) (rg) (Entered: 10/12/2006)
12/28/2006	<u>358</u>	ORDER FOR CONTINUANCE per 18:3161 by District Judge Robert Brack granting USA's motion to continue trial [357-1] jury trial is continued until 02/12/07 @ 9:00 am (cc: all counsel) (rg) (Entered: 12/28/2006)
05/28/2014	<u>398</u>	ORDER Transferring Jurisdiction - Part I as to Maria Guadalupe Hernandez by District Judge Robert C. Brack on 5/28/2014, pursuant to 18 U.S.C. 3605 for purposes of probation or supervised release. This document will be sent by USPPS-DNM to the receiving district for execution of Part 2, Order Accepting Jurisdiction. (jac) (Entered: 05/28/2014)
07/09/2014	<u>401</u>	Probation/Supervised Release Jurisdiction Transferred to Western District of Texas as to Maria Guadalupe Hernandez. Letter containing DNM case number and docket access information mailed to receiving court., re <u>398</u> Order Transferring Jurisdiction - Part I, (yc) (Entered: 07/10/2014)

PACER Service Center			
Transaction Receipt			
07/10/2014 11:02:05			
PACER Login:	us4502	Client Code:	
Description:	Docket Report	Search Criteria:	2:04-cr-01313-RB
Billable Pages:	6	Cost:	0.60

UNITED STATES DISTRICT COURT

District of New Mexico

UNITED STATES OF AMERICA

V.

Maria Guadalupe Hernandez**Judgment in a Criminal Case**

(For Offenses Committed On or After November 1, 1987)

Case Number: **2:04CR01313-016RB**USM Number: **28933-051**Defense Attorney: **Anthony W. White, Appointed**

THE DEFENDANT:

- ☒ pleaded guilty to count(s) **SII of Superseding Indictment**
☐ pleaded nolo contendere to count(s)
☐ after a plea of not guilty was found guilty on count(s)

The defendant is adjudicated guilty of these offenses:

<i>Title and Section Nature of Offense</i>	<i>Offense Ended</i>	<i>Count Number(s)</i>
21 U.S.C. Sec. Conspiracy to Violate, 21 U.S.C. Sec. 841(b)(1)(A) 846	07-08-2004	SII

The defendant is sentenced as specified in pages 2 through 5 of this judgment. The sentence is imposed under the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count .
☐ Count dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

County of Residence**10/11/05**_____
Date of Imposition of Judgment**/s/ Robert C. Brack**_____
Signature of Judge**Honorable Robert C. Brack
United States District Judge**_____
Name and Title of Judge**10/11/05**_____
Date Signed

Defendant: **Maria Guadalupe Hernandez**
Case Number: **2:04CR01313-016RB**

IMPRISONMENT

The defendant is committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **120 months**.

☒ The court makes these recommendations to the Bureau of Prisons:

Phoenix Federal Correctional Institution, Phoenix, Arizona, if eligible

or

Federal Correctional Institution, Bryan, Texas, if eligible

The Court recommends the defendant participate in the Bureau of Prisons 500 hour drug and alcohol treatment program.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant must surrender to the United States Marshal for this district:

☐ at on

☐ as notified by the United States Marshal.

☐ The defendant must surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on

☐ as notified by the United States Marshal

☐ as notified by the Probation or Pretrial Service Office.

RETURN

I have executed this judgment by:

Defendant delivered on _____ to
_____ at _____ with a Certified copy of this judgment.

UNITED STATES MARSHAL

Deputy United States Marshal

Defendant: **Maria Guadalupe Hernandez**
Case Number: **2:04CR01313-016RB**

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **5 years**.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons. The defendant shall not commit another federal, state, or local crime. The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the courts determination that the defendant possesses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm or destructive device. (Check, if applicable).
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable).
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall obtain and maintain full time, legitimate employment, or attend a vocational or academic training program throughout the term of supervised release as directed by the probation officer;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement;

Defendant: **Maria Guadalupe Hernandez**
Case Number: **2:04CR01313-016RB**

SPECIAL CONDITIONS OF SUPERVISION

The defendant must cooperate in the collection of DNA as directed by statute.

The defendant shall not possess, have under her control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.

The defendant must submit to a search of her person, property, or automobile under her control to ensure compliance with all conditions of supervision. She must inform any residents that the premises may be subject to a search.

The defendant must participate in and successfully complete a mental health treatment program, which may include outpatient counseling, residential placement, or prescribed medication as approved by the probation officer. The defendant may be required to pay a portion of the cost of this treatment as determined by the Probation Office.

The defendant will be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without prior approval of the probation officer.

The defendant shall have no contact with the co-defendants in this case, unless approved by the probation officer.

Defendant: **Maria Guadalupe Hernandez**
Case Number: **2:04CR01313-016RB**

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments.

☐ The Court hereby remits the defendant's Special Penalty Assessment; the fee is waived and no payment is required.

Totals:	Assessment	Fine	Restitution
	\$100	\$	\$

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

A ☒ In full immediately; or

B ☐ \$ immediately, balance due (see special instructions regarding payment of criminal monetary penalties).

Special instructions regarding the payment of criminal monetary penalties: Criminal monetary penalties are to be made payable by cashier's check, bank or postal money order to the U.S. District Court Clerk, 333 Lomas Blvd. NW, Albuquerque, New Mexico 87102 unless otherwise noted by the court. Payments must include defendant's name, current address, case number and type of payment.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States attorney.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GUADALUPE JOSE LOPEZ-GARCIA,

a/k/a Lupe Lopez,

ROBERTO JEFF BORDIER,

a/k/a Jeff Bordier,

ADAN PICAZO-GUTIERREZ,

a/k/a "Lagartijo",

a/k/a Adan Elpido,

FRANK GOMEZ,

EDUARDO ATAYDE CHAVEZ,

MARIA CONCEPCION HURTADO,

CLAUDIA GONZALES,

OTILIA LOPEZ-GARCIA,

NORMA LOPEZ,

JAIME PAVIA,

ANDRES E. RAMIREZ,

a/k/a "More",

JOSE OLIVAS,

a/k/a Jose Olivas-Morales,

JOHN G. MITCHELL,

GEORGE SERRANO,

NAOMI S. TARANGO,

a/k/a Naomi Luevano, and

MARIA GUADALUPE HERNANDEZ,

a/k/a "Yvonne",

Defendants.

CRIMINAL NO. 04-1313 RB

COUNT 1: 21 U.S.C. § 848: Continuing Criminal Enterprise;

COUNT 2: 21 U.S.C. § 846: Conspiracy;

COUNTS 3 and 12: 21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(A): Distribution of 50 grams and more of Methamphetamine, its Salts, Isomers, and Salts of its Isomers; and 18 U.S.C. § 2: Aiding and Abetting;

COUNT 4: 21 U.S.C. § 856(a)(2): Managing and Controlling a Building, Room, and Enclosure for Manufacture, Distribution or Use of Methamphetamine, its Salts, Isomers, and Salts of its Isomers; and 18 U.S.C. § 2: Aiding and Abetting,

COUNTS 5, 6, 7, 8, 9, and 10: 21 U.S.C. § 843(b): Use of a communication facility to further the commission of a drug trafficking crime;

COUNT 11: 21 U.S.C. § 846: Attempt to Possess with Intent to Distribute 500 grams and more of a Mixture and Substance Containing a Detectable Amount of Methamphetamine, its Salts, Isomers, and Salts of its Isomers.

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT 1

Between on or about January 2002 and continuing to on or about the 8th day of July, 2004, in Chaves and Eddy Counties, in the State and District of New Mexico and elsewhere, the defendant, **GUADALUPE JOSE LOPEZ-GARCIA**, unlawfully, knowingly and intentionally engaged in a Continuing Criminal Enterprise in that the defendant knowingly violated provisions of Title 21, United States Code, Sections 841 and 846, including but not limited to the violations alleged in Count 2 of this Indictment -- which count is re-alleged herein by reference as if fully set forth in this count - as well as the distribution of 1,793 net grams of methamphetamine on December 4, 2003 in Eddy County, New Mexico, as charged in Count 3 of this indictment, the distribution of 960.0 net grams of methamphetamine on March 25, 2004, in El Paso County, Texas, the distribution of 1,813 net grams of methamphetamine on April 6, 2004 in Chaves County, New Mexico, the distribution of 379.6 net grams of methamphetamine on April 29, 2004 in Eddy County, New Mexico, as charged in Count 13 of this indictment, and the use of a telephone to further the commission of a drug trafficking crime on March 26, 2004, March 28, 2004, March 29, 2004, and April 8, 2004, as charged in Counts 6, 7, 8, 9, and 10 of this indictment, all of which violations were a part of a continuing series of violations of Title 21 of the United States Code, undertaken by the defendant with at least five (5) other persons, including but not limited to, **ADAN PICAZO-GUTIERREZ**, a/k/a "Lagartijo", a/k/a Adan Elpido, **FRANK GOMEZ**, **EDUARDO ATAYDE CHAVEZ**, **MARIA CONCEPCION HURTADO**, **CLAUDIA GONZALES**, **OTILIA LOPEZ-GARCIA**, **NORMA LOPEZ**, **JAIME PAVIA**, **ANDRES E. RAMIREZ**, a/k/a "More", **JOSE OLIVAS**, a/k/a Jose Olivas-Morales, **JOHN G. MITCHELL**, **GEORGE SERRANO**, **NAOMI S. TARANGO**, a/k/a Naomi Luevano, and **MARIA GUADALUPE HERNANDEZ**, a/k/a

"Yvonne", with respect to whom the defendant occupied a position of organizer, supervisor, and manager, and from which continuing series of violations the defendant obtained substantial income and resources.

In violation of 21 U.S.C. § 848.

COUNT 2

Between on or about January 2002 and continuing to on or about the 8th day of July, 2004, in Chaves and Eddy Counties, in the State and District of New Mexico and elsewhere, the defendants, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez, ROBERTO JEFF BORDIER, a/k/a Jeff Bordier, ADAN PICAZO-GUTIERREZ, a/k/a "Lagartijo", a/k/a Adan Elpido, FRANK GOMEZ, EDUARDO ATAYDE CHAVEZ, MARIA CONCEPCION HURTADO, CLAUDIA GONZALES, OTILIA LOPEZ-GARCIA, NORMA LOPEZ, JAIME PAVIA, ANDRES E. RAMIREZ, a/k/a "More", JOSE OLIVAS, a/k/a Jose Olivas-Morales, JOHN G. MITCHELL, GEORGE SERRANO, NAOMI S. TARANGO, a/k/a Naomi Luevano, and MARIA GUADALUPE HERNANDEZ, a/k/a "Yvonne",** did unlawfully, knowingly and intentionally combine, conspire, confederate and agree together and with each other and with other persons whose names are known and unknown to the grand jury to commit the following offense against the United States, to wit: Distribution of 50 grams and more of Methamphetamine, its Salts, Isomers, and Salts of its Isomers, a Schedule II controlled substance, contrary to 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A).

In furtherance of the aforesaid conspiracy and to accomplish the objectives thereof, the following overt acts were committed:

OVERT ACTS

Overt Act One

On December 3, 2003, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**, called a Confidential Source and offered to have four pounds of methamphetamine delivered to the Confidential Source.

Overt Act Two

On December 4, 2003, **FRANK GOMEZ** delivered a truck containing four pounds of methamphetamine to an Undercover Agent and a Confidential Source in Carlsbad, New Mexico.

Overt Act Three

On December 4, 2003, **FRANK GOMEZ** accepted \$2,500.00 as partial payment for the methamphetamine.

Overt Act Four

On December 12, 2003, **FRANK GOMEZ** met with an Undercover Agent at Nero's Club in El Paso, Texas and accepted \$5,000.00 as partial payment for the four pounds of methamphetamine he had delivered to the Undercover Agent on December 4, 2003.

Overt Act Five

On January 13, 2004, **EDUARDO ATAYDE CHAVEZ** met with an Undercover Agent in the parking lot of Bassett Center in El Paso, Texas and accepted \$10,000.00 as partial payment for the four pounds of methamphetamine that **FRANK GOMEZ** had delivered to the Undercover Agent on December 4, 2003.

Overt Act Six

On February 6, 2004, **ROBERTO JEFF BORDIER, a/k/a Jeff Bordier**, met with an Undercover Agent in the parking lot of Bassett Center in El Paso, Texas and accepted \$10,000.00 as partial payment for the four pounds of methamphetamine that **FRANK GOMEZ** had delivered to the Undercover Agent on December 4, 2003.

Overt Act Seven

On March 21, 2004, **ROBERTO JEFF BORDIER, a/k/a Jeff Bordier**, spoke with an Undercover Agent on the phone and agreed to have **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**, contact the Undercover Agent to sell additional methamphetamine.

Overt Act Eight

On March 24, 2004, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez** called **ANDRES E. RAMIREZ, a/k/a "More"**, and asked whether he needed to be re-supplied with methamphetamine. **ANDRES E. RAMIREZ, a/k/a "More"**, replied that he did not because he had been unable to sell what he already had.

Overt Act Nine

On March 25, 2004, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez** arranged for 2.5 pounds of methamphetamine to be delivered to an Undercover Agent by **MARIA CONCEPCION HURTADO and MARIA GUADALUPE HERNANDEZ, a/k/a Yvonne**, in El Paso, Texas.

Overt Act Ten

On March 25, 2004, **MARIA CONCEPCION HURTADO and MARIA GUADALUPE HERNANDEZ, a/k/a Yvonne**, delivered to an Undercover Agent 2.5 pounds of methamphetamine in El Paso, Texas.

Overt Act Eleven

On March 25, 2004, **MARIA CONCEPCION HURTAO** and **MARIA GUADALUPE HERNANDEZ, a/k/a Yvonne**, accepted \$5,000.00 as partial payment for the methamphetamine.

Overt Act Twelve

On March 26, 2004, **GEORGE SERRANO** and **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**, spoke on the telephone and **GEORGE SERRANO** agreed to return two pounds of methamphetamine to **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**. **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**, agreed to replace the methamphetamine at a later date.

Overt Act Thirteen

On March 28, 2004, **ANDRES E. RAMIREZ, a/k/a "More"**, requested help from **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**, to sell some methamphetamine that **ANDRES E. RAMIREZ, a/k/a "More"**, was having trouble selling.

Overt Act Fourteen

On March 28, 2004, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**, told **ANDRES E. RAMIREZ, a/k/a "More"** to give **OTILIA LOPEZ-GARCIA** \$500.00 that **ANDRES E. RAMIREZ, a/k/a "More"** owed **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez** for methamphetamine.

Overt Act Fifteen

On March 28, 2004, **OTILIA LOPEZ-GARCIA** collected a \$500.00 drug debt from **ANDRES E. RAMIREZ, a/k/a "More"**, for **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**.

Overt Act Sixteen

On March 28, 2004, **ADAN PICAZO-GUTIERREZ, a/k/a "Lagartijo", a/k/a Adan Elpido** then agreed to send \$300.00 of the money received from **ANDRES E. RAMIREZ, a/k/a "More",** to **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez,** in Mexico.

Overt Act Seventeen

On March 28, 2004, **ADAN PICAZO-GUTIERREZ, a/k/a "Lagartijo", a/k/a Adan Elpido,** agreed to collect a \$22,000.00 debt from **JOSE OLIVAS, a/k/a Jose Olivas-Morales,** for **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez.**

Overt Act Eighteen

On March 29, 2004, Jose Olivas spoke with **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez,** by telephone and attempted to convince **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez,** that he had already worked off the debt that **JOSE OLIVAS, a/k/a Jose Olivas-Morales** had from a past methamphetamine transaction.

Overt Act Nineteen

On April 8, 2004 and April 9, 2004, **JOHN G. MITCHELL** traveled from Albuquerque, New Mexico to El Paso, Texas and then to the Republic of Mexico to attempt to pick up methamphetamine from **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez.**

Overt Act Twenty

On April 9, 2004, **MARIA CONCEPCION HURTADO** spoke with **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez,** on the phone and agreed to provide methamphetamine to **JOHN G. MITCHELL.**

Overt Act Twenty-One

On April 9, 2004, **ADAN PICAZO-GUTIERREZ, a/k/a "Lagartijo", a/k/a Adan Elpido**, delivered a quantity of methamphetamine to Fort Smith, Arkansas for **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**.

Overt Act Twenty-Two

On April 13, 2004, **CLAUDIA GONZALES** met with an Undercover Agent and received \$4,000.00 and a pair of boots on behalf of **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**, for methamphetamine that had previously been delivered to the Undercover Agent on March 25, 2004.

Overt Act Twenty-Three

On April 29, 2004, **NAOMI S. TARANGO, a/k/a Naomi Luevano**, and a juvenile, delivered approximately 13 ounces of methamphetamine belonging to **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**, to a Confidential Source at a gas station in Artesia, New Mexico.

Overt Act Twenty-Four

On May 13, 2004, **JAIME PAVIA**, accompanied by **NORMA LOPEZ**, met with on Undercover Agent and received \$5,000.00 on behalf of the **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**, drug trafficking organization for methamphetamine that had previously been delivered to him.

In violation of 21 U.S.C. § 846.

COUNT 3

On or about the 4th day of December, 2003, in Eddy County, in the State and District of New Mexico, the defendants, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez and FRANK GOMEZ**, did unlawfully, knowingly and intentionally distribute 50 grams and more of Methamphetamine, its Salts, Isomers, and Salts of its Isomers, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A) and 18 U.S.C. § 2.

COUNT 4

From on or about the 1st day of March, 2004, and continuing to on or about the 30th day of April, 2004, in Chaves County, in the State and District of New Mexico, the defendants, **OTILIA LOPEZ-GARCIA and NORMA LOPEZ**, did unlawfully, knowingly and intentionally manage and control a building, room, place or enclosure, to wit: a residence and shed/shop located at 65 Savannah, Dexter, New Mexico, and make it available for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance, to wit: Methamphetamine, its Salts, Isomers, and Salts of its Isomers, a Schedule II controlled substance.

In violation of 21 U.S.C. § 856(a)(2) and 18 U.S.C. § 2.

COUNT 5

On or about the 21st day of March, 2004, in Doña Ana County, in the State and District of New Mexico, the defendant, **ROBERTO JEFF BORDIER, a/k/a Jeff Bordier**, did unlawfully, knowingly and intentionally use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: Distribution of 50 grams and more

of Methamphetamine, its Salts, Isomers, and Salts of its Isomers, a Schedule II controlled substance, contrary to 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A).

In violation of 21 U.S.C. § 843(b).

COUNT 6

On or about the 26th day of March, 2004, in Lea County, in the State and District of New Mexico, the defendants, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez and GEORGE SERRANO**, did unlawfully, knowingly and intentionally use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: Distribution of 50 grams and more of Methamphetamine, its Salts, Isomers, and Salts of its Isomers, a Schedule II controlled substance, contrary to 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A).

In violation of 21 U.S.C. § 843(b).

COUNT 7

On or about the 26th day of March, 2004, in Eddy County, in the State and District of New Mexico, the defendants, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez and ANDRES E. RAMIREZ, a/k/a "More"**, did unlawfully, knowingly and intentionally use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: Distribution of 50 grams and more of Methamphetamine, its Salts, Isomers, and Salts of its Isomers, a Schedule II controlled substance, contrary to 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A).

In violation of 21 U.S.C. § 843(b).

COUNT 8

On or about the 28th day of March, 2004, in Chaves County, in the State and District of New Mexico, the defendants, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez and ADAN PICAZO-GUTIERREZ, a/k/a "Lagartijo", a/k/a Adan Elpido**, did unlawfully, knowingly and intentionally use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: Distribution of 50 grams and more of Methamphetamine, its Salts, Isomers, and Salts of its Isomers, a Schedule II controlled substance, contrary to 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A).

In violation of 21 U.S.C. § 843(b).

COUNT 9

On or about the 29th day of March, 2004, in Eddy County, in the State and District of New Mexico, the defendants, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez and JOSE OLIVAS, a/k/a Jose Olivas-Morales**, did unlawfully, knowingly and intentionally use a communication facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: Distribution of 50 grams and more of Methamphetamine, its Salts, Isomers, and Salts of its Isomers, a Schedule II controlled substance, contrary to 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A).

In violation of 21 U.S.C. § 843(b).

COUNT 10

On or about the 8th day of April, 2004, in Bernalillo County, in the State and District of New Mexico, the defendants, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez and JOHN G. MITCHELL**, did unlawfully, knowingly and intentionally use a communication

facility, to wit: a telephone, to further the commission of a drug trafficking crime, to wit: Distribution of 50 grams and more of Methamphetamine, its Salts, Isomers, and Salts of its Isomers, a Schedule II controlled substance, contrary to 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A).

In violation of 21 U.S.C. § 843(b).

COUNT 11

Between on or about 8th day of April, 2004, and continuing to on or about the 9th day of April, 2004, in Bernalillo, in the State and District of New Mexico and elsewhere, the defendant, **JOHN G. MITCHELL**, did unlawfully, knowingly and intentionally attempt to possess with the intent to distribute 500 grams and more of a mixture and substance containing a detectable amount of Methamphetamine, its Salts, Isomers, and Salts of its Isomers, a Schedule II controlled substance, contrary to 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A).

In violation of 21 U.S.C. § 846.

COUNT 12

On or about the 29th day of April, 2004, in Eddy County, in the State and District of New Mexico, the defendant, **GUADALUPE JOSE LOPEZ-GARCIA, a/k/a Lupe Lopez**, did unlawfully, knowingly and intentionally distribute 50 grams and more of Methamphetamine, its Salts, Isomers, and Salts of its Isomers, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A) and 18 U.S.C. § 2.

SENTENCING FACTORS:

The Grand Jury finds the following relevant sentencing factors are present in this case:

SENTENCING FACTOR 1

The offenses charged in Counts 1 and 2 involved over 15 kilograms of a mixture and substance containing methamphetamine, within the meaning of the United States Sentencing Guideline § 2D1.1(c)(1).

SENTENCING FACTOR 2

The offense charged in Count 3 involved between 500 and 1500 grams of actual (pure) Methamphetamine, within the meaning of the United States Sentencing Guideline § 2D1.1(c)(2).

SENTENCING FACTOR 3



The offense charged in Count 12 involved between 50 and 150 grams of actual (pure) Methamphetamine, within the meaning of the United States Sentencing Guideline § 2D1.1(c)(4).

SENTENCING FACTOR 4

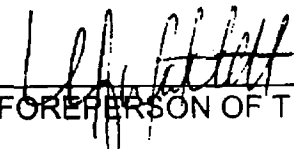
Guadalupe Jose Lopez-Garcia, a/k/a Lupe Lopez, and Roberto Jeff Bordier, a/k/a Jeff Bordier, are each organizers or leaders of the criminal activity charged in Counts 1 through 12 within the meaning of the United States Sentencing Guideline § 3B1.1(a), and the criminal activity involved five or more participants.

SENTENCING FACTOR 5

George Serrano and Otilia Lopez-Garcia both possessed a dangerous weapon, to wit: one or more firearms, during the offense charged in Count 2, within the meaning of the United States Sentencing Guideline § 2D1.1(b)(1).

 For
DAVID C. IGLESIAS
United States Attorney

10/22/04 10:44am

A TRUE BILL:


FOREPERSON OF THE GRAND JURY